UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON

MONTGOMERY COUNTY COMMON

PLEAS COURT JUVENILE DIVISION,

INC., et al.,

Plaintiffs,

Case No. 3:24-cv-33

District Judge Thomas M. Rose

Magistrate Judge Peter B. Silvain, Jr.

VS.

.

AFFAN BEY,

:

Defendant.

DEFICIENCY ORDER

This matter is before the Court on the Motion for Leave to Proceed *in forma pauperis* filed by Defendant Affan Bey ("Bey"). (Doc. #1). In the affidavit in support of her Motion, Bey only provided her address and phone number. *Id.* at 2-3. She responded "N/A" to every other question. *Id.* Defendant did not provide her employment status; income; cash on hand/money in accounts; ownership of any valuable property such as real estate, stocks, bonds, notes, or automobiles; or expenses.

In *Adkins v. E.I. DuPont de Nemours & Co., Inc.*, the Supreme Court, set forth the legal standard applicable to a motion to proceed *in forma pauperis*. 335 U.S. 331 (1948). An affidavit of poverty is sufficient if it reflects that the party cannot pay the Court's filing fee without depriving herself of the "necessities of life." *Id.* at 339 (internal quotation marks omitted). Although the party need not be totally destitute in order to proceed *in forma pauperis*, paying the filing fee must be more than a mere hardship. *See Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 F. App'x 239, 240 (6th Cir. 2001) (noting that "the question is whether the court costs can be paid without undue hardship"). Consequently, unless it is clear that the one-time payment

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of the Court's filing fee will render the party unable to provide for herself and her dependents, the

Court cannot grant her in forma pauperis status. See Adkins, 335 U.S. at 339.

Based on the information Bey has provided thus far, it is unclear whether paying the one-

time filing fee of \$405.00 would impose an undue hardship upon her. Accordingly, Bey is

ORDERED to submit a supplemental affidavit in support of her Motion on or before March 11,

2024. In the affidavit, Bey must explain why the one-time payment of the Court's filing fee will

render Bey unable to provide for herself and her dependents. Bey's affidavit must be accompanied

by the following statement above her signature: "I declare under penalty of perjury under the laws

of the United States of America that the foregoing is true and correct. Executed on (date)." 28

U.S.C. § 1746(1).

IT IS SO ORDERED.

February 9, 2024

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.

United States Magistrate Judge

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